

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No.: 09-CR-00551-001-LHK
)	
Plaintiff,)	ORDER SETTING BRIEFING
v.)	SCHEDULE ON DEFENDANT'S 18
)	U.S.C. §3582(c)(2) MOTION TO
MICHAEL CLAYTON PHILLIPS,)	MODIFY, ADJUST OR CORRECT
)	SENTENCE
Defendant.)	

On August 15, 2011, Defendant filed a *pro se* motion pursuant to 18 U.S.C. § 3582(c)(2) for a sentence reduction based on United States Sentencing Guideline Amendment 750, which concerns offenses involving cocaine base ("crack cocaine"). *See* U.S.S.G. §1B1.10, proposed Amendment 750; 76 Fed. Reg. 41,332 (July 13, 2011). While the Sentencing Commission decided to apply Amendment 750 retroactively, it delayed the effective date to November 1, 2011. Although a ruling on Plaintiff's motion prior to November 1, 2011 would be premature, the Court finds it appropriate to set a briefing schedule. Accordingly, any opposition by the United States is due by Friday, September 30, 2011, and any reply by Defendant is due by Friday, October 28, 2011.

IT IS SO ORDERED.

Dated: August 22, 2011



LUCY H. KOH
United States District Judge